

REMARKS

Claims 1-12 remain pending in the application.

Allowability of Claims 3 and 11

The Applicants thank the Examiner for the indicating that claims 3 and 11 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 3 and 11 are amended herein to be in independent form, including all of the limitations of the amended base claim, amended herein to overcome a 35 USC 112 rejection, and any intervening claims.

35 USC 112 Second Paragraph Rejection of Claims 1 and 9

The Office Action rejected claims 1 and 9 as allegedly being indefinite under 35 USC 112. In particular, the recited “substantially” was rejected as being indefinite.

The phrase “substantially” is being deleted from claims 1 and 9 making the rejection of claims 1 and 9 under 35 USC 112, second paragraph now moot.

It is respectfully submitted that claims 1 and 9 are now in full conformance with 35 USC 112. It is respectfully requested that the rejection be withdrawn.

Claim 1 over Fransioli

In the Office Action, claim 1 was rejected under 35 U.S.C. §102(e) as allegedly being anticipated by WO 01/86918 to Fransioli (“Fransioli”). The Applicants respectfully traverse the rejection.

Claim 1 recites a method identifying a Short Message Service (SMS) message relating to a location and transmitting the identified SMS message to a subscriber.

Fransioli appears to disclose a method for providing location based messages to a mobile user with a wireless portable receiving device (See Abstract). The portable device may receive information over a voice channel

and/or a data channel (See Fransioli, page 6, lines 11-12). The information in the messages comes from one or more servers on a wireless access network (See Fransioli, page 6, lines 20-21). A user can invoke the data service and connect to multimedia content or a web portal (See Fransioli, page 8, lines 3-6).

Thus, Fransioli discloses a system that allows a user to obtain location based messages from a wireless portable receiving device via multimedia content or a web portal. Fransioli fails to disclose or suggest use of a Short Message Service (SMS) message for any reason, much less disclose or suggest a method identifying a SMS message relating to a location and transmitting the identified SMS message to a subscriber, as recited by claim 1.

A benefit of a method identifying a SMS message relating to a location and transmitting the identified SMS message to a subscriber is, e.g., communicating location based information with a wireless device without requiring any type of upgrades to the wireless device. Manufacturers are manufacturing more and more wireless devices with SMS messaging capability. Thus, such wireless devices are able to send and receive SMS messages. Transmitting a SMS message to a wireless device that has the ability to receive such a message does not require any changes to a wireless device to receive the claimed specialized messages. Fransioli's wireless device is able to view multimedia content or a web portal, requiring a relatively complex wireless device that may further require unique programming to review such multimedia content or a web portal. The cited prior art fails to disclose or suggest the claimed features having such benefits.

Accordingly, for at least all the above reasons, claim 1 is patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Claims 2, 4-10 and 12 over Schaphorst and WKPA

In the Office Action, claims 2 and 4-10 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over Fransioli in view of U.S. Patent No. 5,767,795 to Schaphorst ("Schaphorst"), with claim 12 rejected under 35 U.S.C. §103(a) as allegedly being obvious over Fransioli in view of Schaphorst, and further in view of Well Known Prior Art ("WKPA"). The Applicants respectfully traverse the rejection.

Claims 2, 4-10 and 12 recite a system and method identifying a Short Message Service (SMS) message relating to a location and transmitting the identified SMS message to a subscriber.

As discussed above, Fransioli fails to disclose or suggest identifying a Short Message Service (SMS) message relating to a location and transmitting the identified SMS message to a subscriber, as recited by claims 2, 4-10 and 12.

Schaphorst is relied on to disclose a GPS-based information system for vehicles (See Office Action, page 4). However, Schaphorst discloses an electronic tour guide system that relies on a database of pre-recorded information that is permanently installed in a vehicle (See Abstract). Thus, Schaphorst's invention is directed toward a system that has information pre-loaded with tour guide information. Schaphorst's invention is unrelated to a system and method that transmits messages to a subscriber, much less disclose or suggest a system and method identifying a Short Message Service (SMS) message relating to a location and transmitting the identified SMS message to a subscriber, as recited by claims 2, 4-10 and 12.

WKPA is relied on to disclose a short messaging system to maintain a short message (See Office Action, page 5). However, none of the cited prior art disclose or suggest application of a SMS system to any type of tour guide system, much less to Applicants' recited features, i.e., a system and method identifying a Short Message Service (SMS) message relating to a location and transmitting the identified SMS message to a subscriber, as recited by claims 2, 4-10 and 12.

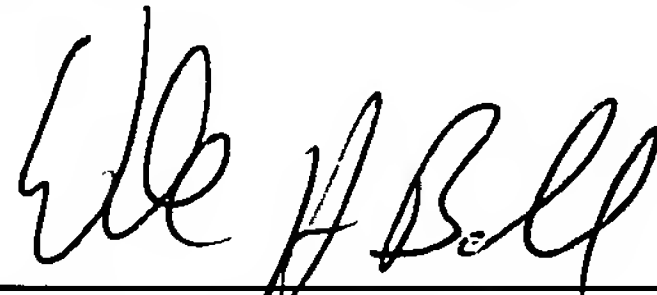
Thus, Fransioli theoretically modified by the disclosure of Schaphorst and WKPA would STILL fail to disclose or suggest a system and method identifying a Short Message Service (SMS) message relating to a location and transmitting the identified SMS message to a subscriber, as recited by claims 2, 4-10 and 12.

Accordingly, for at least all the above reasons, claims 2, 4-10 and 12 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,



William H. Bollman
Reg. No.: 36,457
Tel. (202) 261-1020
Fax. (202) 887-0336

MANELLI DENISON & SELTER PLLC
2000 M Street, N.W. 7th Floor
Washington D.C. 20036-3307
WHB/df